

**DRAFT FOR EXAMINER INTERVIEW****IN THE CLAIMS**

**Please cancel claims 71, 74, 76, and 89 without prejudice and amend claims 1, 19, and 77-85 as indicated in the following list of pending claims:**

**PENDING CLAIMS**

1. (Currently Amended) A tissue biopsy removing device for accessing and collecting a tissue specimen from a target site within a patient, comprising:
  - a. an elongated probe member which has a longitudinal axis, which has a proximal end configured to be secured to a drive, which has an inner lumen extending therein, which has a tissue penetrating distal tip and which has an aperture proximal to the tissue penetrating distal tip which is configured to receive tissue from the target site and which has at least one longitudinally oriented tissue cutting edge; and
  - b. an elongated tissue cutting member which is disposed within the elongated probe member, which has ~~[[a]]~~ distal and proximal tubular ~~portion~~ portions, said distal portion having
    - i. a distal tip with an outer tissue cutting edge which that defines a tissue receiving opening, said distal tip being flared to ensure that the outer tissue cutting edge of the tissue cutting member engages the inner tissue cutting edge of the elongated tubular member, said tissue cutting edge lying within a surface that which is inclined at an angle of less than 75° with respect to the longitudinal tissue cutting edge of

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the elongated probe member and ~~[[has]]~~ with leading and trailing portions,

- ii. ~~which~~ has an inner lumen extending therein and in fluid communication with the tissue receiving opening, and
- iii. ~~which~~ has a single longitudinally oriented slot in a wall of the distal tubular portion of the tissue cutting member that opens to the trailing portion of the tissue receiving opening in the distal tip, and

~~which has a~~ said proximal portion ~~that is~~ being configured to be operably connected to at least one drive unit to move the tissue cutting member to cut a tissue specimen from tissue extending into the tissue receiving aperture of the elongated probe member by at least one outer tissue cutting edge of the tissue cutting member.

2-6. (Cancelled)

7. (Previously Presented) The biopsy device of claim 1 wherein the inner lumen of the tissue cutting member is configured to access a vacuum source to transport a tissue specimen through the inner lumen thereof to a tissue collector in fluid communication with the inner lumen.

8. (Previously Presented) The biopsy device of claim 1, wherein the tissue cutting member is configured for oscillating movement about the longitudinal axis.

9. (Original) The biopsy device of claim 8, wherein the tissue cutting member is also configured for reciprocating longitudinal movement.

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10. (Original) The biopsy device of claim 9, wherein the tissue cutting member is configured for reciprocating longitudinal movement of between about 0.01 inch and about 0.2 inch (0.25-5.1 mm).

11-14. (Cancelled)

15. (Previously Presented) The biopsy device of claim 1, wherein the tissue cutting member is configured for longitudinal movement along the longitudinal axis.

16. (Previously Presented) The biopsy device of claim 15, wherein the tissue cutting member is also configured for oscillating movement.

17-18. (Cancelled)

19. (Currently Amended) The biopsy device of claim 1 wherein the tissue cutting edge of the tissue cutting member has a tissue cutting angle over a substantial part of the length of the edge of the tissue cutting member with respect to the tissue cutting edge of the aperture of about 30° to less than 75°.

20. (Cancelled)

21. (Previously Presented) The biopsy device of claim 1 wherein the aperture of the probe member has a second longitudinally oriented tissue cutting edge parallel to the first longitudinally oriented tissue cutting edge and a tissue cutting distal edge which extends between the first and second longitudinally oriented tissue cutting edge.

22-70 (Cancelled)

71. (Cancelled) A tissue removal device for accessing and severing a tissue specimen from supporting tissue at a target site within a patient, comprising:

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- a. an elongated tubular member which has a longitudinal axis, which has an inner lumen extending therein, which has a tissue penetrating distal tip and which has a tissue receiving aperture proximal to the tissue penetrating distal tip and defined at least in part by one inner longitudinally oriented, tissue cutting edge; and
- b. an elongated tissue cutting member which is disposed within the inner lumen of the elongated tubular member, which has a distal tubular portion with a distal tissue cutting tip having an outer tissue cutting edge configured to engage the at least one inner tissue cutting edge defining in part the aperture of the elongated tubular member, which is inclined at an angle less than 75° with respect to the longitudinal tissue cutting edge of the elongated probe member and has leading and trailing portions, which defines at least in part a tissue receiving opening in the distal tissue cutting tip, which has a longitudinally oriented slot in a distal wall portion of the tissue cutting member that extends to the trailing portion of the cutting edges and opens to the tissue receiving opening in the distal tip and which has a proximal portion that is configured to be connected to at least one drive unit to move the tissue cutting member to sever from supporting tissue a tissue specimen tissue extending into the open tissue receiving section of the elongated member by the outer tissue cutting edge of the tissue cutting tip engaging the inner tissue cutting edge defining in part the aperture of the elongated tubular member.

72-73. (Cancelled)

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74. (Cancelled) The biopsy device of claim 71 wherein the elongated tissue cutting member has an inner lumen in fluid communication with the opening configured to receive severed tissue.

75. (Cancelled)

76. (Cancelled) The biopsy device of claim 71 wherein the distal tip is flared so that the outer tissue cutting edge of the tissue cutting member engages the inner tissue cutting edge of the elongated tubular member.

77. (Currently Amended) The ~~biopsy~~ tissue removing device of claim [[71]] 1 wherein the distal tubular portion of the tissue cutting member has at least a second opening in a wall thereof.

78. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the second opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

79. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the second opening opens to the longitudinally oriented slot.

80. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the distal tubular portion has a third opening in a wall thereof on a side of the distal tubular member opposite to the second opening.

81. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 80 wherein the third opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

82. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 81 wherein the third opening opens to the longitudinally oriented slot.

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83. (Currently Amended) The ~~biopsy~~ tissue removing device of claim [[71]] 1 wherein the distal tissue cutting tip has opposed tissue cutting edges.

84. (Currently Amended) The ~~biopsy~~ tissue removing device of claim [[71]] wherein the elongated tissue cutting member is configured for oscillating movement about the longitudinal axis and longitudinal movements within the elongated tubular member along the longitudinal axis.

85. (Currently Amended) An elongated tissue cutting member for an outer tubular member of a tissue biopsy device which has a tissue receiving aperture in a wall of the outer tubular member defined in part by a longitudinally oriented tissue cutting edge, the tissue cutting member comprising:

an elongated shaft which is configured to be slidably disposed within an inner lumen of the outer tubular member, which has a distal tubular portion with a flared distal tip having a tissue receiving opening, an outer tissue cutting edge about the tissue receiving opening configured to engage the longitudinally oriented tissue cutting edge of the outer tubular member at an angle less than 75° and having leading and trailing portions, which has a longitudinally oriented slot in a wall of the distal tubular portion having a distal end that opens to the tissue receiving opening in the distal tip at the trailing portion of the outer tissue cutting edge and which has a proximal portion that is configured to be connected to at least one drive unit to move the tissue cutting member to sever from supporting tissue a tissue specimen tissue extending into the tissue receiving aperture of the outer tubular member.

86. (Cancelled)

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87. (Previously Presented) The elongated tissue cutting member of claim 85 wherein the elongated shaft has an inner lumen in fluid communication with the opening configured to receive severed tissue.

88. (Cancelled)

89. (Cancelled) The elongated tissue cutting member of claim 85 wherein the distal tip is flared to facilitate at least one outer tissue cutting edge of the elongated tissue cutting member to engage a tissue cutting edge of the outer tubular member.

90. (Previously Presented) The elongated tissue cutting member of claim 85 wherein the distal tubular portion has at least a second opening in a wall thereof.

91. (Previously Presented) The elongated tissue cutting member of claim 90 wherein the second opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

92. (Previously Presented) The elongated tissue cutting member of claim 91 wherein the second opening opens to the longitudinally oriented slot.

93. (Previously Presented) The elongated tissue cutting member of claim 90 wherein the distal tubular portion has a third opening in a wall thereof on a side of the distal tubular member opposite to the second opening.

94. (Previously Presented) The elongated tissue cutting member of claim 93 wherein the third opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

95. (Previously Presented) The elongated tissue cutting member of claim 94 wherein the third opening opens to the longitudinally oriented slot.

96. (Cancelled)

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97. (Previously Presented) The tissue biopsy device of claim 1 wherein the distal tip of the tissue cutting member has a leading and trailing edge.

98. (Previously Presented) The tissue biopsy device of claim 97 wherein the longitudinally oriented slot in a distal wall portion opens to the tissue receiving opening at the trailing edge of the bevelled tip.

99. (Previously Presented) Tissue removal device of claim 71 wherein the distal tip of the tissue cutting member has a leading and trailing edge.

100. (Previously Presented) The tissue removal device of claim 99 wherein the longitudinally oriented slot in a distal wall portion opens to the tissue receiving opening at the trailing edge of the distal tip.